

FILED

November 4 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 09-0567

FILED

NOV - 4 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

DONNY R. SANDAU,

Defendant and Appellant.

Appellant Donny R. Sandau (Sandau) filed a motion for credit for 424 days of jail time served. The District Court denied the motion. While Sandau was entitled to counsel through final judgment and on a direct appeal, this appears to be an appeal from the District Court order denying Sandau jail time credit. Section 46-8-103, MCA.

In postconviction proceedings, appellants are entitled to appointed counsel in very limited circumstances. Section 46-8-104, MCA. Sandau has not demonstrated that he is entitled to counsel. Therefore,

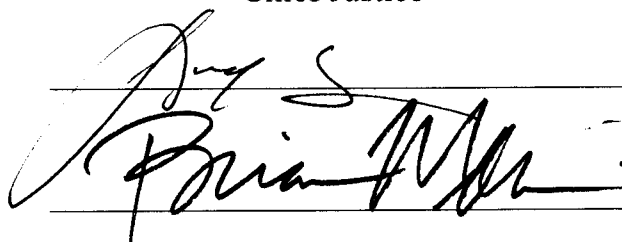
IT IS ORDERED that the motion for appointment of counsel is DENIED.

The Clerk shall provide a copy of this Order to counsel of record, and to Sandau, personally.

DATED this 4th day of November, 2009.



Chief Justice



Tom Warner
Jim Rice
Justices